

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee (Statutory)

### Meeting held 31 October 2022

**PRESENT:** Councillors Jayne Dunn (Chair), Vickie Priestley, Maroof Raouf and Sophie Thornton (Observer).

#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - MELTDOWN E-SPORTS BAR, 39-41 LOWER FLOOR, SNIG HILL, SHEFFIELD S3 8NA**

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of the premises known as Meltdown E-Sports Bar, 39-41 Lower Floor, Snig Hill, Sheffield, S3 8NA (Ref. No. 155/22).

4.2 Present at the meeting were Matthew Collinson (Applicant), Anthony Wood (Objector), Jayne Gough (Licensing Strategy and Policy Officer & Health and Wellbeing Lead), Samantha Bond (Legal Adviser to the Sub-Committee) and Philippa Burdett (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that, during the consultation period, the Environmental Protection Service and South Yorkshire Police had agreed conditions with the applicant which were attached at Appendix 'C' to the report. It was also noted that representations had been received from three interested parties, and were attached at Appendix 'D' to the report.

4.5 Anthony Wood stated that the proposed location of the outdoor smoking area was a 'stage' location of an unintentional amphitheatre and as such had a strong acoustic impact on a large number of residential properties, some of which were

immediately above the proposed outdoor seating area. He stated that the last publicly available reference to acoustic testing was carried out before many of the properties had been converted to residential use. He believed the acoustic issues to be worsened due to the lack of vegetation and soft surfaces, which prevented absorption of the noise. He stated that a few years ago, he had spoken to someone who had been taking noise measurements on-site who had given him the impression that the rear outdoor area would only be used as emergency access/storage due to its acoustic properties and potential impact on nearby residents.

- 4.6 Mr Wood considered the front of the building to be a more suitable outdoor drinking area, where there was a ready-made space as part of the 'Grey to Green' design and which had fewer residential properties in close proximity. He believed this would be acoustically preferable and would allow for direct supervision by security staff without compromising the security of the venue. He also considered that would create a vibrant feel and an on-street 'European style' presence similar to that of nearby businesses. He stated that there were families living in several of the flats directly overlooking the proposed beer garden and was concerned about the risk of noise and/or smoke to residents occupying those flats. Mr Wood considered that the proposed changes had the potential to have a negative impact on local people and instead he wished to support the use of the front of the building as a drinking area, which he felt would give greater potential for improving the business and the local area.
- 4.7 In response to questions from Members of the Sub-Committee, Mr Wood stated that he was fortunate enough to have been able to move to bedrooms at the front of his property and away from the outdoor seating area. He stated that he hadn't made any complaints during the pandemic due to Council services having been impacted and unable to respond to all representations, and also because he recognised the extenuating financial circumstances that were being experienced by businesses during the pandemic. Mr Wood stated that the use of the outdoor area during the pandemic had caused noise problems at times, but he had chosen to accept this and had not made formal representations.
- 4.8 Matthew Collinson stated that he was aware of one noise complaint that had been registered with the Environmental Protection Service during the 2020 Covid restrictions. This was following a busy evening where the outdoor area use had overrun past 23.00 hours (as referenced on page 48 of the report). He stated that when he first took over the licence, the capacity of the premises was 300 and that, after discussions with the Council, some alterations had been made, and the capacity had been reduced to 150. He stated that, more recently, walls had been removed within the public area that had created more space, and as such he had asked to increase the capacity to 250. Mr Collinson stated that the proposed outdoor seating area was in use prior to him taking over the licence but that he had chosen not to withdraw it. He stated that once the neighbouring business had closed down, and were no longer using their outdoor area, he had decided to seek advice from the Licensing Service about re-opening the area. He subsequently applied to vary the premises licence and consulted with the Council's Environmental Protection Service regarding capacity and time limits.

- 4.9 Mr Collinson stated that, as a gaming venue, maximum capacity was rarely met, and that one doorman employed on Friday and Saturday was adequate. He added that risk assessments would be carried out for bigger events and extra security would be employed as necessary. He stated that the front pavement area had been used during 2020 and 2021, but had limited use and created an issue of storage of tables and chairs inside the venue.
- 4.10 In response to questions from Members of the Sub-Committee, Mr Collinson stated that staff would monitor the area to ensure that it was used for smoking only outside the agreed hours. He stated that it was not planned to use the outdoor area during the winter as it would make the venue cold, and those wishing to smoke could use the front outside area. He stated that Tuesday nights were currently the busiest, ranging from around 80 to 130 customers, and he confirmed that he was not aware of any concerns from neighbours to the front of the premises during these busy times, or during their live events. Mr Collinson stated that one live event took place monthly, and a different live event took place once every two months. He stated that he had taken the decision to close the outdoor area before 22.00 hours for live events, and that the live events were niche, and had included pop junk, synth wave and chiptune, which involved using game consoles to make dance music.
- 4.11 Mr Collinson confirmed that the rear seating area was accessed via fire doors which were only lockable from the outside and would be kept closed other than for access. He stated that during busier events, signs would be erected, and staff would actively monitor to ensure compliance.
- 4.12 In summing up, Mr Wood stated that he was concerned about how the capacity of the outdoor seating area would be adequately managed and enforced given the limited number of staff on site. He considered that he could support the use of the front of the premises due to it being an open area with soft vegetation and fewer overlooking residential properties.
- 4.13 In summing up, Matthew Collinson stated that the current seating capacity had been agreed in discussion with the Environmental Protection Service. He considered that the voluntary conditions that had been agreed, along with the clarifications he had made to the Committee, showed that he had taken on board the concerns of nearby residents and that he wished to be a considerate neighbour.
- 4.14 Jayne Gough outlined the options available to the Sub-Committee.
- 4.15 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.16 Samantha Bond reported orally, giving legal advice on various aspects of the application.

4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.18 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant the variation to the premises licence in the terms requested, and subject to the conditions agreed with the Environmental Protection Service and South Yorkshire Police prior to the hearing, in respect of the premises known as Meltdown E-Sports Bar, 39-41 Lower Floor, Snig Hill, Sheffield S3 8NA (Ref. No. 155/22).

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination).